

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT

Plaintiff,

v.

BLOOMIN' BRANDS, INC., et al.

Defendants.

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Case No.: 4:20-cv-00121-RBS-RJK

DEFENDANTS' OBJECTION AND MOTION TO QUASH A WITNESS SUBPOENA

COMES NOW, the defendants Outback Steakhouse of Florida, LLC and Bloomin Brands, Inc. and hereby submit their objection and motion to quash a witness subpoena served on Nick Seifert, and in support thereof state as follows:

1. On August 4, 2023, Plaintiff signed a subpoena for service to Mr. Seifert, no copy provided to counsel for the defense.

2. On August 7, 2023, the day before trial, the subpoena was served on Mr. Seifert. The subpoena was not accompanied by the witness fee or mileage fee.

3. Mr. Seifert asked the serving person if a witness fee or mileage fee was included, the process server said he did not know, and does not do this regularly and Mr. Seifert could get the fees later.

4. The subpoena comes too late, is not timely, was not properly served, and does not comply with the rules.

5. Plaintiff is serving witness subpoenas too late, last minute and has not prepared this case as if it is actually going to trial. Issuing witness subpoenas at the last minute to Dr. Haider

(an unenforceable subpoena in Texas from a Virginia Court on August 4, 2023, a subpoena to Mr. Seifert on August 4, 2023 served on August 7, 2023) come too late.

6. The court should quash the subpoena to Mr. Seifert.

WHEREFORE, the foregoing considered, Defendants object to the untimely subpoena to Mr. Seifert and the absence of witness fees and mileage fees, and move to quash the subpoena.

**BLOOMIN' BRANDS, INC. and
OUTBACK STEAKHOUSE OF
FLORIDA, LLC**
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2023, a true and accurate copy of the foregoing was sent via the CM/ECF system to:

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